

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Robert Simmons,

Plaintiff(s),

: Case Number: 1:20cv1

vs.

: Judge Susan J. Dlott

Rodney McMullen, et al.,

Defendant(s).

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on January 7, 2020 (Doc. 4), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired January 21, 2020, hereby ADOPTS said Report and Recommendation.

Accordingly, plaintiff's claims are DISMISSED with prejudice.

The Court certifies pursuant to 28 U.S.C. §1915(a) that an appeal of any Order adopting the Report and Recommendation will not be taken in good faith. Therefore, plaintiff is DENIED leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. See *Callihan v. Schneider*, 178 F.3d 800, 803 (6<sup>th</sup> Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.

  
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Judge Susan J. Dlott  
United States District Court